

By: _____

Todd Stipan

S.B. No. 1362

A BILL TO BE ENTITLED

AN ACT

relating to the development of a regional water supply reservoir project at the Lake Eastex reservoir site and the acquisition of the site and other property.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. DEFINITIONS. In this Act:

(1) "Authority" means the Angelina and Neches River Authority.

(2) "Board" means the Texas Water Development Board.

SECTION 2. DESIGNATION OF SITE. The legislature, as authorized by Section 16.051(g), Water Code, designates the site known as the Lake Eastex site on Mud Creek, a tributary of the Angelina River, in Cherokee and Smith counties, Texas, as a site of unique value for the construction of a dam and reservoir on Mud Creek, to impound up to 195,500 acre-feet of water as authorized by Permit to Appropriate State Water Number 4228 (Application No. 4537) held by the authority. The legislature also determines that the Lake Eastex Regional Water Supply Project is necessary to meet water supply requirements.

SECTION 3. ACQUISITION AND FUNDING. (a) Using the state participation account of the Texas Water Development Fund II to encourage optimal regional development of the Lake Eastex project, the board is authorized to execute an agreement with the authority to acquire the entire or any undivided interest in the Lake Eastex

1 site and other land needed for the project. The authority shall
2 hold title in trust for the board.

3 (b) Using the state participation account of the Texas Water
4 Development Fund II, the board may issue bonds to acquire up to 50
5 percent of any undivided interest in the Lake Eastex project,
6 including the entire or any undivided interest in the site.

7 SECTION 4. PURCHASE OF BOARD'S INTEREST. Any contract
8 providing for state participation in the Lake Eastex site or the
9 construction of a reservoir at that site must provide for the
10 purchase of the board's interest in the facility in accordance with
11 Section 16.186(b), Water Code. The board shall contract with the
12 authority for such a purchase.

13 SECTION 5. EXEMPTION FROM WATER QUALITY FEES. Neither the
14 board nor the authority is required to pay water quality fees under
15 Section 26.0291, Water Code, on the Lake Eastex project until it is
16 completed.

17 SECTION 6. RULES. The authority, after notice and hearing,
18 may adopt rules to protect water quality in the site that are
19 consistent with state and federal water quality requirements. The
20 rules may include:

21 (1) establishment of an area around the site to be
22 protected from sources of pollution;

23 (2) prohibition of or restrictions on the use of
24 on-site sewage disposal systems in the protected zone;

25 (3) restrictions on locating facilities that may
26 discharge waste into the site; and

27 (4) other prohibitions, restrictions, or requirements

1 that may be necessary to protect the water quality in the site and
2 in the reservoir after it is completed.

3 SECTION 7. IMPACT FEES. The authority may impose impact
4 fees on the area regulated under rules adopted under Section 6 of
5 this Act.

6 SECTION 8. EFFECTIVE DATE. This Act takes effect
7 immediately if it receives a vote of two-thirds of all the members
8 elected to each house, as provided by Section 39, Article III, Texas
9 Constitution. If this Act does not receive the vote necessary for
10 immediate effect, this Act takes effect September 1, 2003.

1-1 By: Staples S.B. No. 1362
1-2 (In the Senate - Filed March 13, 2003; March 19, 2003, read
1-3 first time and referred to Committee on Natural Resources;
1-4 April 22, 2003, reported adversely, with favorable Committee
1-5 Substitute by the following vote: Yeas 11, Nays 0; April 22, 2003,
1-6 sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 1362 By: Staples

1-8 A BILL TO BE ENTITLED
1-9 AN ACT

1-10 relating to the development of a regional water supply reservoir
1-11 project at Lake Eastex reservoir site, the renaming of the site as
1-12 Lake Columbia, and the acquisition of the site and other property;
1-13 providing for the issuance of bonds.

1-14 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-15 SECTION 1. DEFINITIONS. In this Act:

1-16 (1) "Authority" means the Angelina and Neches River
1-17 Authority.

1-18 (2) "Board" means the Texas Water Development Board.

1-19 (3) "Lake Columbia" means the reservoir project
1-20 previously known as Lake Eastex authorized by Permit to Appropriate
1-21 State Water Number 4228 (Application No. 4537) held by the
1-22 authority.

1-23 SECTION 2. RENAMING OF SITE. Because of the significant
1-24 impact the Space Shuttle Columbia disaster has had on the people in
1-25 East Texas and as a memorial to the seven astronauts lost in the
1-26 disaster, the legislature has determined that the name of the Lake
1-27 Eastex project in Cherokee and Smith counties should be renamed
1-28 Lake Columbia.

1-29 SECTION 3. DESIGNATION OF SITE. The legislature, as
1-30 authorized by Subsection (g), Section 16.051, Water Code,
1-31 designates the site known as the Lake Columbia site on Mud Creek, a
1-32 tributary of the Angelina River, in Cherokee and Smith counties,
1-33 Texas, as a site of unique value for the construction of a dam and
1-34 reservoir on Mud Creek, to impound up to 195,500 acre-feet of water
1-35 as authorized by Permit to Appropriate State Water Number 4228
1-36 (Application No. 4537) held by the authority. The legislature also
1-37 determines that the Lake Columbia Regional Water Supply Project is
1-38 necessary to meet water supply requirements.

1-39 SECTION 4. ACQUISITION AND FUNDING. (a) Using the state
1-40 participation account of the Texas Water Development Fund II to
1-41 encourage optimal regional development of the Lake Columbia
1-42 project, the board is authorized to execute an agreement with the
1-43 authority to acquire the entire or any undivided interest in the
1-44 Lake Columbia site and other land needed for the project. The
1-45 authority shall hold title in trust for the board.

1-46 (b) Using the state participation account of the Texas Water
1-47 Development Fund II, the board may issue bonds to acquire up to 50
1-48 percent of any undivided interest in the Lake Columbia project,
1-49 including the entire or any undivided interest in the site.

1-50 SECTION 5. PURCHASE OF BOARD'S INTEREST. Any contract
1-51 providing for state participation in the Lake Columbia site or the
1-52 construction of a reservoir at that site must provide for the
1-53 purchase of the board's interest in the facility in accordance with
1-54 Subsection (b), Section 16.186, Water Code. The board shall
1-55 contract with the authority for such a purchase.

1-56 SECTION 6. EXEMPTION FROM WATER QUALITY FEES. Neither the
1-57 board nor the authority is required to pay water quality fees under
1-58 Section 26.0291, Water Code, on the Lake Columbia project until it
1-59 is completed.

1-60 SECTION 7. RULES. The authority, after notice and hearing,
1-61 may adopt rules to protect water quality in the site that are
1-62 consistent with state and federal water quality requirements. The
1-63 rules may include:

(1) establishment of an area around the site to be protected from sources of pollution;

(2) prohibition of or restrictions on the use of on-site sewage disposal systems in the protected zone;

(3) restrictions on locating facilities that may discharge waste into the site; and

(4) other prohibitions, restrictions, or requirements that may be necessary to protect the water quality in the site and in the reservoir after it is completed.

SECTION 8. IMPACT FEES. The authority may impose impact fees on the area regulated under rules adopted under Section 7 of this Act.

SECTION 9. EFFECTIVE DATE. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2003.

* * * * *

FAVORABLY AS SUBSTITUTED
SENATE COMMITTEE REPORT ON

(SB) SCR SJR SR HB HCR HJR 1362
By Staples
(Author/Senate Sponsor)
4/15/03
(date)

We, your Committee on NATURAL RESOURCES, to which was referred the attached measure, have on 4/15/03 (date of hearing), had the same under consideration and I am instructed to report it back with the recommendation (s) that it:

- ☒ do pass as substituted, and be printed
☐ the caption remained the same as original measure
☒ the caption changed with adoption of the substitute
☐ do pass as substituted, and be ordered not printed
☒ and is recommended for placement on the Local and Uncontested Bills Calendar.

A fiscal note was requested. ☒ yes ☐ no
A revised fiscal note was requested. ☒ yes ☐ no
An actuarial analysis was requested. ☐ yes ☒ no
Considered by subcommittee. ☐ yes ☒ no

The measure was reported from Committee by the following vote:

	YEA	NAY	ABSENT	PNV
Senator Armbrister, Chair	<input checked="" type="checkbox"/>			
Senator Jackson, Vice-Chair	<input checked="" type="checkbox"/>			
Senator Barrientos	<input checked="" type="checkbox"/>			
Senator Duncan	<input checked="" type="checkbox"/>			
Senator Estes	<input checked="" type="checkbox"/>			
Senator Fraser	<input checked="" type="checkbox"/>			
Senator Hinojosa	<input checked="" type="checkbox"/>			
Senator Lindsay	<input checked="" type="checkbox"/>			
Senator Lucio	<input checked="" type="checkbox"/>			
Senator Shapiro	<input checked="" type="checkbox"/>			
Senator Staples	<input checked="" type="checkbox"/>			
TOTAL VOTES	11	0	0	0

COMMITTEE ACTION

8260 Considered in public hearing
8270 Testimony taken

Kelly C. Mullen
COMMITTEE CLERK

Ken Quintana
CHAIRMAN

Paper clip the original and one copy of this signed form to the original bill along with TWO copies of the Committee Substitute
Retain one copy of this form for Committee files

WITNESS LIST

SB 1362

SENATE COMMITTEE REPORT

Natural Resources

April 15, 2003 - 10:00AM

FOR: Stover, John Attorney (Angelina & Neches River Authority), Lufkin, TX

AGAINST: Kramer, Ken Director (Lone Star Chapter, Sierra Club), Austin, TX

ON: Olson, Leonard Deputy Executive Administrator (TX Water Development Board),
Austin, TX

BILL ANALYSIS

Senate Research Center

C.S.S.B. 1362
By: Staples
Natural Resources
4/17/2003
Committee Report (Substituted)

DIGEST AND PURPOSE

Currently, Lake Columbia (previously Lake Eastex) is a part of the statewide water plan. C.S.S.B. 1362 designates Lake Columbia as a unique reservoir. This bill establishes a partnership between the Angelina and Neches River Authority which is responsible for overseeing construction of the dam, and the Texas Water Development Board in order to allow the river authority to secure project funding from the Texas Water Development Fund II.

RULEMAKING AUTHORITY

Rulemaking authority is granted to the Angelina and Neches River Authority in SECTION 7 of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. DEFINITIONS. Defines "authority," "board," and "Lake Columbia."

SECTION 2. RENAMING OF SITE. Sets forth the legislative determination that the Lake Eastex project in Cherokee and Smith counties should be renamed Lake Columbia because of the Columbia space shuttle disaster's impact on the people in East Texas, and as a memorial to the seven astronauts who died in the disaster.

SECTION 3. DESIGNATION OF SITE. Provides that the legislature, as authorized by Section 16.051(g), Water Code, designates the site known as the Lake Columbia site on Mud Creek, a tributary of the Angelina River, in Cherokee and Smith counties, Texas, as a site of unique value for the construction of a dam and reservoir on Mud Creek, to impound up to 195,500 acre-feet of water as authorized by Permit to Appropriate State Water Number 4228 (Application No. 4537) held by the Angelina Neches River Authority (authority). Provides that the legislature also determines that the Lake Columbia Regional Water Supply Project is necessary to meet water supply requirements.

SECTION 4. ACQUISITION AND FUNDING. (a) Provides that using the state participation account of the Texas Water Development Fund II to encourage optimal regional development of the Lake Columbia project, the Texas Water Development Board (TWDB) is authorized to execute an agreement with the authority to acquire the entire or any undivided interest in the Lake Columbia site and other land needed for the project. Requires the authority to hold title in trust for TWDB.

(b) Authorizes TWDB, using the state participation account of the Texas Water Development Fund II, to issue bonds to acquire up to 50 percent of any undivided interest in the Lake Columbia project, including the entire or any undivided interest in the site.

SECTION 5. PURCHASE OF BOARD'S INTEREST. Requires any contract providing for state participation in the Lake Columbia site or the construction of a reservoir at that site to provide for the purchase of TWDB's interest in the facility in accordance with Section 16.186(b), Water Code. Requires TWDB to contract with the authority for such a purchase.

SECTION 6. EXEMPTION FROM WATER QUALITY FEES. Provides that neither TWDB nor the authority is required to pay water quality fees under Section 26.0291, Water Code, on the Lake Columbia project until it is completed.

SECTION 7. RULES. Authorizes the authority, after notice and hearing, to adopt rules to protect water quality in the site that are consistent with state and federal water quality requirements. Authorizes the rules to include certain actions and prohibitions.

SECTION 8. IMPACT FEES. Authorizes the authority to impose impact fees on the area regulated under rules adopted under Section 7 of this Act.

SECTION 9. EFFECTIVE DATE. Provides that this Act takes effect upon passage or September 1, 2003.

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 78TH LEGISLATIVE REGULAR SESSION

April 16, 2003

TO: Honorable Kenneth Armbrister, Chair, Senate Committee on Natural Resources

FROM: John Keel, Director, Legislative Budget Board

IN RE: **SB1362** by Staples (Relating to the development of a regional water supply reservoir project at the Lake Columbia (previously Lake Eastex) reservoir site and the acquisition of the site and other property.), **Committee Report 1st House, Substituted**

No fiscal implication to the State is anticipated.

Local Government Impact

Because the bill would not have statewide impact on units of local government of the same type or class, no comment from this office is required by the rules of the Senate as to its probable fiscal implication on units of local government.

Source Agencies:

LBB Staff: JK, CL, DLBa

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 78TH LEGISLATIVE REGULAR SESSION

April 11, 2003

TO: Honorable Kenneth Armbrister, Chair, Senate Committee on Natural Resources

FROM: John Keel, Director, Legislative Budget Board

IN RE: SB1362 by Staples (Relating to the development of a regional water supply reservoir project at the Lake Eastex reservoir site and the acquisition of the site and other property.), **As Introduced**

No fiscal implication to the State is anticipated.

Local Government Impact

Because the bill would not have statewide impact on units of local government of the same type or class, no comment from this office is required by the rules of the Senate as to its probable fiscal implication on units of local government.

Source Agencies:

LBB Staff: JK, CL, DLBa

REQUEST FOR LOCAL & UNCONTESTED CALENDAR PLACEMENT

SENATOR CHRIS HARRIS, CHAIRMAN
SENATE COMMITTEE ON ADMINISTRATION

Notice is hereby given that SB 1362, by Staples,
(Bill No.) (Author/Sponsor)
was heard by the Committee on Natural Resources on 4/15, 2003,
and reported out with the recommendation that it be placed on the Local and Uncontested Calendar.

Kathy C. Gilbert
(Clerk of the reporting committee)

IMPORTANT: A COPY OF THIS FORM MUST BE ATTACHED TO A COMMITTEE PRINTED VERSION OF THE BILL OR RESOLUTION AND SHOULD BE DELIVERED TO THE ADMINISTRATION COMMITTEE OFFICE, E1.714. DEADLINES FOR SUBMITTING BILLS AND RESOLUTIONS WILL BE ANNOUNCED ON A REGULAR BASIS.

ee BE

ADOPTED

MAY 01 2003

Atty. Gen.
Secretary of the Senate

By:

Todd Steyer

S.B. No. 1362

Substitute the following for S.B. No. 1362:

By:

Steyer

C.S. S.B. No. 1362

A BILL TO BE ENTITLED

AN ACT

<EOH>

relating to the development of a regional water supply reservoir project at ~~the Lake Columbia~~ (previously Lake Eastex) reservoir, ^{the renaming of the site as Lake Columbia,} site, and the acquisition of the site and other property; ^{providing for the issuance of bonds}

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. DEFINITIONS. In this Act:

(1) "Authority" means the Angelina and Neches River Authority.

(2) "Board" means the Texas Water Development Board.

(3) "Lake Columbia" means the reservoir project previously known as Lake Eastex authorized by Permit to Appropriate State Water Number 4228 (Application No. 4537) held by the authority.

SECTION 2. RENAMING OF SITE. Because of the significant ^{Space Shuttle} impact the ~~Columbia space shuttle~~ disaster has had on the people in East Texas and as a memorial to the seven astronauts lost in the disaster, the legislature has determined that the name of the Lake Eastex project in Cherokee and Smith counties should be renamed Lake Columbia.

SECTION 3. DESIGNATION OF SITE. The legislature, as

4-22-03
4-30-03
5-27-03

1 authorized by ^{Subsection (g),} Section 16.051~~(g)~~, Water Code, designates the site
2 known as the Lake Columbia site on Mud Creek, a tributary of the
3 Angelina River, in Cherokee and Smith counties, Texas, as a site of 1/2
4 unique value for the construction of a dam and reservoir on Mud
5 Creek, to impound up to 195,500 acre-feet of water as authorized by
6 Permit to Appropriate State Water Number 4228 (Application No.
7 4537) held by the authority. The legislature also determines that
8 the Lake Columbia Regional Water Supply Project is necessary to
9 meet water supply requirements.

10 SECTION 4. ACQUISITION AND FUNDING. (a) Using the state
11 participation account of the Texas Water Development Fund II to
12 encourage optimal regional development of the Lake Columbia
13 project, the board is authorized to execute an agreement with the
14 authority to acquire the entire or any undivided interest in the
15 Lake Columbia site and other land needed for the project. The
16 authority shall hold title in trust for the board.

17 (b) Using the state participation account of the Texas Water
18 Development Fund II, the board may issue bonds to acquire up to 50
19 percent of any undivided interest in the Lake Columbia project,
20 including the entire or any undivided interest in the site.

21 SECTION 5. PURCHASE OF BOARD'S INTEREST. Any contract
22 providing for state participation in the Lake Columbia site or the
23 construction of a reservoir at that site must provide for the
24 purchase of the board's interest in the facility in accordance with
25 ^{Subsection (b),} Section 16.186~~(b)~~, Water Code. The board shall contract with the

1 authority for such a purchase.

2 SECTION 6. EXEMPTION FROM WATER QUALITY FEES. Neither the
3 board nor the authority is required to pay water quality fees under
4 Section 26.0291, Water Code, on the Lake Columbia project until it
5 is completed. /

2/3

6 SECTION 7. RULES. The authority, after notice and hearing,
7 may adopt rules to protect water quality in the site that are
8 consistent with state and federal water quality requirements. The
9 rules may include:

10 (1) establishment of an area around the site to be
11 protected from sources of pollution;

12 (2) prohibition of or restrictions on the use of on-site
13 sewage disposal systems in the protected zone;

14 (3) restrictions on locating facilities that may
15 discharge waste into the site; and

16 (4) other prohibitions, restrictions, or requirements
17 that may be necessary to protect the water quality in the site and
18 in the reservoir after it is completed.

19 SECTION 8. IMPACT FEES. The authority may impose impact fees
20 on the area regulated under rules adopted under Section 7 of this
21 Act.

22 SECTION 9. EFFECTIVE DATE. This Act takes effect immediately
23 if it receives a vote of two-thirds of all the members elected to
24 each house, as provided by Section 39, Article III, Texas
25 Constitution. If this Act does not receive the vote necessary for

1 immediate effect, this Act takes effect September 1, 2003.

Engrossed May 1, 2003
Mardi O'Leary
Engrossing Clerk

I certify this to be a true and correct
copy of the indicated document as
referred or transmitted to committee.

Chief Clerk of the House

By: Staples

S.B. No. 1362

(Cook of Navarro, Hopson)

A BILL TO BE ENTITLED

AN ACT

relating to the development of a regional water supply reservoir
project at Lake Eastex reservoir site, the renaming of the site as
Lake Columbia, and the acquisition of the site and other property;
providing for the issuance of bonds.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. DEFINITIONS. In this Act:

(1) "Authority" means the Angelina and Neches River
Authority.

(2) "Board" means the Texas Water Development Board.

(3) "Lake Columbia" means the reservoir project
previously known as Lake Eastex authorized by Permit to Appropriate
State Water Number 4228 (Application No. 4537) held by the
authority.

SECTION 2. RENAMING OF SITE. Because of the significant
impact the Space Shuttle Columbia disaster has had on the people in
East Texas and as a memorial to the seven astronauts lost in the
disaster, the legislature has determined that the name of the Lake
Eastex project in Cherokee and Smith counties should be renamed
Lake Columbia.

SECTION 3. DESIGNATION OF SITE. The legislature, as
authorized by Subsection (g), Section 16.051, Water Code,
designates the site known as the Lake Columbia site on Mud Creek, a
tributary of the Angelina River, in Cherokee and Smith counties,

1 Texas, as a site of unique value for the construction of a dam and
2 reservoir on Mud Creek, to impound up to 195,500 acre-feet of water
3 as authorized by Permit to Appropriate State Water Number 4228
4 (Application No. 4537) held by the authority. The legislature also
5 determines that the Lake Columbia Regional Water Supply Project is
6 necessary to meet water supply requirements.

7 SECTION 4. ACQUISITION AND FUNDING. (a) Using the state
8 participation account of the Texas Water Development Fund II to
9 encourage optimal regional development of the Lake Columbia
10 project, the board is authorized to execute an agreement with the
11 authority to acquire the entire or any undivided interest in the
12 Lake Columbia site and other land needed for the project. The
13 authority shall hold title in trust for the board.

14 (b) Using the state participation account of the Texas Water
15 Development Fund II, the board may issue bonds to acquire up to 50
16 percent of any undivided interest in the Lake Columbia project,
17 including the entire or any undivided interest in the site.

18 SECTION 5. PURCHASE OF BOARD'S INTEREST. Any contract
19 providing for state participation in the Lake Columbia site or the
20 construction of a reservoir at that site must provide for the
21 purchase of the board's interest in the facility in accordance with
22 Subsection (b), Section 16.186, Water Code. The board shall
23 contract with the authority for such a purchase.

24 SECTION 6. EXEMPTION FROM WATER QUALITY FEES. Neither the
25 board nor the authority is required to pay water quality fees under
26 Section 26.0291, Water Code, on the Lake Columbia project until it
27 is completed.

SECTION 7. RULES. The authority, after notice and hearing, may adopt rules to protect water quality in the site that are consistent with state and federal water quality requirements. The rules may include:

(1) establishment of an area around the site to be protected from sources of pollution;

(2) prohibition of or restrictions on the use of on-site sewage disposal systems in the protected zone;

(3) restrictions on locating facilities that may discharge waste into the site; and

(4) other prohibitions, restrictions, or requirements that may be necessary to protect the water quality in the site and in the reservoir after it is completed.

SECTION 8. IMPACT FEES. The authority may impose impact fees on the area regulated under rules adopted under Section 7 of this Act.

SECTION 9. EFFECTIVE DATE. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2003.

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 78TH LEGISLATIVE REGULAR SESSION

April 16, 2003

TO: Honorable Kenneth Armbrister, Chair, Senate Committee on Natural Resources

FROM: John Keel, Director, Legislative Budget Board

IN RE: **SB1362** by Staples (Relating to the development of a regional water supply reservoir project at the Lake Columbia (previously Lake Eastex) reservoir site and the acquisition of the site and other property.), **Committee Report 1st House, Substituted**

No fiscal implication to the State is anticipated.

Local Government Impact

Because the bill would not have statewide impact on units of local government of the same type or class, no comment from this office is required by the rules of the Senate as to its probable fiscal implication on units of local government.

Source Agencies:

LBB Staff: JK, CL, DLBa

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 78TH LEGISLATIVE REGULAR SESSION

April 11, 2003

TO: Honorable Kenneth Armbrister, Chair, Senate Committee on Natural Resources

FROM: John Keel, Director, Legislative Budget Board

IN RE: SB1362 by Staples (Relating to the development of a regional water supply reservoir project at the Lake Eastex reservoir site and the acquisition of the site and other property.), **As Introduced**

No fiscal implication to the State is anticipated.

Local Government Impact

Because the bill would not have statewide impact on units of local government of the same type or class, no comment from this office is required by the rules of the Senate as to its probable fiscal implication on units of local government.

Source Agencies:

LBB Staff: JK, CL, DLBa

HOUSE COMMITTEE REPORT

03 MAY 23 PM 8:12
HOUSE OF REPRESENTATIVES

1st Printing

By: Shapiro
(Denny)

S.B. No. 1373

A BILL TO BE ENTITLED

AN ACT

relating to considering for school district accountability purposes the performance of students confined by court order in a residential program or facility operated by or under contract with the Texas Youth Commission.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 39.072, Education Code, is amended by adding Subsection (d) to read as follows:

(d) Notwithstanding any other provision of this code, for purposes of determining the performance of a school district under this chapter, including the accreditation status of the district, a student confined by court order in a residential program or facility operated by or under contract with the Texas Youth Commission is not considered to be a student of the school district in which the program or facility is physically located. The performance of such a student on an assessment instrument or other academic excellence indicator adopted under Section 39.051 shall be determined, reported, and considered separately from the performance of students attending a school of the district in which the program or facility is physically located.

SECTION 2. This Act applies beginning with the 2003-2004 school year.

SECTION 3. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as

S.B. No. 1373

1 provided by Section 39, Article III, Texas Constitution. If this
2 Act does not receive the vote necessary for immediate effect, this
3 Act takes effect September 1, 2003.

COMMITTEE REPORT

The Honorable Tom Craddick
Speaker of the House of Representatives

May 20, 2003
(date)

Sir:

We, your COMMITTEE ON PUBLIC EDUCATION

to whom was referred S.B. 1373 have had the same under consideration and beg to report back with the recommendation that it

- ☒ do pass, without amendment.
☐ do pass, with amendment(s).
☐ do pass and be not printed; a Complete Committee Substitute is recommended in lieu of the original measure.
☒ yes ☐ no A fiscal note was requested.
☐ yes ☒ no A criminal justice policy impact statement was requested.
☒ yes ☐ no An equalized educational funding impact statement was requested.
☐ yes ☒ no An actuarial analysis was requested.
☐ yes ☒ no A water development policy impact statement was requested.
☐ yes ☒ no A tax equity note was requested.
☐ The Committee recommends that this measure be sent to the Committee on Local and Consent Calendars.

For Senate Measures: House Sponsor Denny

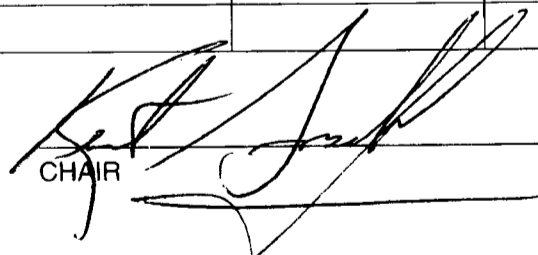
Joint Sponsors: _____

Co-Sponsors: _____

The measure was reported from Committee by the following vote:

	AYE	NAY	PNV	ABSENT
Grusendorf, Chair	<input checked="" type="checkbox"/>			
Oliveira, Vice-chair	<input checked="" type="checkbox"/>			
Branch	<input checked="" type="checkbox"/>			
Dawson	<input checked="" type="checkbox"/>			
Dutton	<input checked="" type="checkbox"/>			
Eissler	<input checked="" type="checkbox"/>			
Griggs	<input checked="" type="checkbox"/>			
Hochberg	<input checked="" type="checkbox"/>			
Madden				<input checked="" type="checkbox"/>

Total
8 aye
0 nay
0 present, not voting
1 absent


CHAIR

BILL ANALYSIS

S.B. 1373
By: Shapiro
Public Education
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Currently, Texas school districts are responsible for the education of every student residing in their district, including students in drug treatment, halfway houses, and juvenile detention centers. Many of the students in a Texas Youth Commission (TYC) facility are in short-term placements, several grades behind their peers, and not permanent district residents. The performance of such students is not counted in a school district's accountability rating, but students in a TYC-contracted facility are counted in a district's accountability rating, typically lowering that rating. S.B. 1373 prohibits students in a residential program or facility operated by, or under a contract with, the Texas Youth Commission, or other governmental entity, from being counted in the accreditation status, or in relation to the academic excellence indicator standards, of the district within which the program or facility is located. This bill requires the performance of such a student to be determined, reported, and considered separately.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, institution, or agency.

ANALYSIS

S.B. 1373 amends the Education Code to provide that for the purposes of determining the performance of a school district, including the district's accreditation status, a student confined by court order in a residential program or facility operated by, or under a contract with, the Texas Youth Commission, is not considered to be a student of the school district in which the program or facility is physically located. The bill requires the performance of such a student on an assessment instrument, or other academic excellence indicator adopted under Section 39.051 (Academic Excellence Indicators), Education Code, to be determined, reported, and considered separately from the performance of students attending a school of the district in which the program or facility is physically located.

This Act applies beginning with the 2003 - 2004 school year.

EFFECTIVE DATE

Upon passage, or, if the Act does not receive the necessary vote, the Act takes effect September 1, 2003.

SUMMARY OF COMMITTEE ACTION

SB 1373

May 20, 2003 2:00PM or upon final adjourn./recess

Considered in public hearing

Testimony taken in committee (See attached witness list.)

Reported favorably without amendment(s)

WITNESS LIST

SB 1373
HOUSE COMMITTEE REPORT
Public Education Committee

May 20, 2003 - 2:00PM or upon final adjourn./recess

For: Clemons, Robert (Rio Brazos Education Cooperative)
Eckhart, Harley (Texas Elementary Principals &
Supervisors Association)
Harris, Stanley (Axtell Independent School District)
Shaddix, Julian (Texas Association of Secondary School
Principals)
Soehnge, Karen (Texas Association of School
Administrators)

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 78TH LEGISLATIVE REGULAR SESSION

May 12, 2003

TO: Honorable Kent Grusendorf, Chair, House Committee on Public Education

FROM: John Keel, Director, Legislative Budget Board

IN RE: **SB1373** by Shapiro (Relating to considering for school district accountability purposes the performance of students confined by court order in a residential program or facility operated by or under contract with the Texas Youth Commission.), **As Engrossed**

No significant fiscal implication to the State is anticipated.

The bill would require some minor revisions to the Texas Education Agency's (TEA) Public Education Information Management System (PEIMS) in order to identify students to be excluded from districts' accreditation status and accountability ratings and to report these students separately. These revisions are not expected to be significant, although TEA notes that needed data and reporting system changes at the agency and at the district level may not be completed in time for use in the 2003-04 school year.

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Local Government Impact

No significant fiscal implication to units of local government is anticipated. School districts would be required to modify their data systems to reflect a separate submission for certain students and programs, but these costs are not expected to be significant.

Source Agencies: 701 Central Education Agency

LBB Staff: JK, CT, UP, JGM

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 78TH LEGISLATIVE REGULAR SESSION

April 7, 2003

TO: Honorable Florence Shapiro, Chair, Senate Committee on Education

FROM: John Keel, Director, Legislative Budget Board

IN RE: SB1373 by Shapiro (Relating to considering for school district accountability purposes the performance of student confined by court order in a residential program or facility operated by or under contract with the Texas Youth Commission.), **Committee Report 1st House, Substituted**

No significant fiscal implication to the State is anticipated.

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Source Agencies: 701 Central Education Agency

LBB Staff: JK, CT, UP, JGM

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 78TH LEGISLATIVE REGULAR SESSION

April 1, 2003

TO: Honorable Florence Shapiro, Chair, Senate Committee on Education

FROM: John Keel, Director, Legislative Budget Board

IN RE: SB1373 by Shapiro (Relating to accreditation of public school districts.), **As Introduced**

No significant fiscal implication to the State is anticipated.

The bill would require some minor revisions to the Texas Education Agency's (TEA) Public Education Information Management System (PEIMS) in order to identify students to be excluded from districts' accreditation status and accountability ratings and to report these students separately. These revisions are not expected to be significant, although TEA notes that needed data and reporting system changes at the agency and at the district level may not be completed in time for use in the 2003-04 school year.

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Local Government Impact

No significant fiscal implication to units of local government is anticipated. School districts would be required to modify their data systems to reflect a separate submission for certain students and programs, but these costs are not expected to be significant.

Source Agencies: 701 Central Education Agency

LBB Staff: JK, CT, UP, JGM

LEGISLATIVE BUDGET BOARD
Austin, Texas

EQUALIZED EDUCATION FUNDING IMPACT STATEMENT

78TH LEGISLATIVE REGULAR SESSION

May 12, 2003

TO: Honorable Kent Grusendorf, Chair, House Committee on Public Education

FROM: John Keel, Director, Legislative Budget Board

IN RE: SB1373 by Shapiro (Relating to considering for school district accountability purposes the performance of students confined by court order in a residential program or facility operated by or under contract with the Texas Youth Commission.), **As Engrossed**

No impact on equalized funding requirements and policies affecting public education is anticipated from any of the provisions of this bill.

Source Agencies:

LBB Staff: JK, CT

4

LEGISLATIVE BUDGET BOARD

Austin, Texas

EQUALIZED EDUCATION FUNDING IMPACT STATEMENT

78TH LEGISLATIVE REGULAR SESSION

April 4, 2003

TO: Honorable Florence Shapiro, Chair, Senate Committee on Education

FROM: John Keel, Director, Legislative Budget Board

IN RE: SB1373 by Shapiro (Relating to considering for school district accountability purposes the performance of student confined by court order in a residential program or facility operated by or under contract with the Texas Youth Commission.), **Committee Report 1st House, Substituted**

No impact on equalized funding requirements and policies affecting public education is anticipated from any of the provisions of this bill.

Source Agencies:

LBB Staff: JK, CT

5

LEGISLATIVE BUDGET BOARD
Austin, Texas

EQUALIZED EDUCATION FUNDING IMPACT STATEMENT

78TH LEGISLATIVE REGULAR SESSION

April 1, 2003

TO: Honorable Florence Shapiro, Chair, Senate Committee on Education

FROM: John Keel, Director, Legislative Budget Board

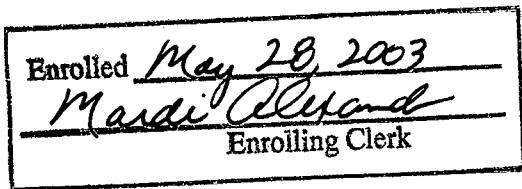
IN RE: SB1373 by Shapiro (Relating to accreditation of public school districts.), **As Introduced**

No impact on equalized funding requirements and policies affecting public education is anticipated from any of the provisions of this bill.

Source Agencies:

LBB Staff: JK, CT

6



S.B. No. 1362

AN ACT

relating to the development of a regional water supply reservoir project at Lake Eastex reservoir site, the renaming of the site as Lake Columbia, and the acquisition of the site and other property; providing for the issuance of bonds.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. DEFINITIONS. In this Act:

(1) "Authority" means the Angelina and Neches River Authority.

(2) "Board" means the Texas Water Development Board.

(3) "Lake Columbia" means the reservoir project previously known as Lake Eastex authorized by Permit to Appropriate State Water Number 4228 (Application No. 4537) held by the authority.

SECTION 2. RENAMING OF SITE. Because of the significant impact the Space Shuttle Columbia disaster has had on the people in East Texas and as a memorial to the seven astronauts lost in the disaster, the legislature has determined that the name of the Lake Eastex project in Cherokee and Smith counties should be renamed Lake Columbia.

SECTION 3. DESIGNATION OF SITE. The legislature, as authorized by Subsection (g), Section 16.051, Water Code, designates the site known as the Lake Columbia site on Mud Creek, a tributary of the Angelina River, in Cherokee and Smith counties,

Texas, as a site of unique value for the construction of a dam and reservoir on Mud Creek, to impound up to 195,500 acre-feet of water as authorized by Permit to Appropriate State Water Number 4228 (Application No. 4537) held by the authority. The legislature also determines that the Lake Columbia Regional Water Supply Project is necessary to meet water supply requirements.

SECTION 4. ACQUISITION AND FUNDING. (a) Using the state participation account of the Texas Water Development Fund II to encourage optimal regional development of the Lake Columbia project, the board is authorized to execute an agreement with the authority to acquire the entire or any undivided interest in the Lake Columbia site and other land needed for the project. The authority shall hold title in trust for the board.

(b) Using the state participation account of the Texas Water Development Fund II, the board may issue bonds to acquire up to 50 percent of any undivided interest in the Lake Columbia project, including the entire or any undivided interest in the site.

SECTION 5. PURCHASE OF BOARD'S INTEREST. Any contract providing for state participation in the Lake Columbia site or the construction of a reservoir at that site must provide for the purchase of the board's interest in the facility in accordance with Subsection (b), Section 16.186, Water Code. The board shall contract with the authority for such a purchase.

SECTION 6. EXEMPTION FROM WATER QUALITY FEES. Neither the board nor the authority is required to pay water quality fees under Section 26.0291, Water Code, on the Lake Columbia project until it is completed.

1 SECTION 7. RULES. The authority, after notice and hearing,
2 may adopt rules to protect water quality in the site that are
3 consistent with state and federal water quality requirements. The
4 rules may include:

5 (1) establishment of an area around the site to be
6 protected from sources of pollution;

7 (2) prohibition of or restrictions on the use of
8 on-site sewage disposal systems in the protected zone;

9 (3) restrictions on locating facilities that may
10 discharge waste into the site; and

11 (4) other prohibitions, restrictions, or requirements
12 that may be necessary to protect the water quality in the site and
13 in the reservoir after it is completed.

14 SECTION 8. IMPACT FEES. The authority may impose impact
15 fees on the area regulated under rules adopted under Section 7 of
16 this Act.

17 SECTION 9. EFFECTIVE DATE. This Act takes effect
18 immediately if it receives a vote of two-thirds of all the members
19 elected to each house, as provided by Section 39, Article III, Texas
20 Constitution. If this Act does not receive the vote necessary for
21 immediate effect, this Act takes effect September 1, 2003.

S.B. No. 1362

President of the Senate

Speaker of the House

I hereby certify that S.B. No. 1362 passed the Senate on May 1, 2003, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

I hereby certify that S.B. No. 1362 passed the House on May 28, 2003, by the following vote: Yeas 144, Nays 0, two present not voting.

Chief Clerk of the House

Approved:

Date

Governor

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 78TH LEGISLATIVE REGULAR SESSION

April 16, 2003

TO: Honorable Kenneth Armbrister, Chair, Senate Committee on Natural Resources

FROM: John Keel, Director, Legislative Budget Board

IN RE: **SB1362** by Staples (Relating to the development of a regional water supply reservoir project at the Lake Columbia (previously Lake Eastex) reservoir site and the acquisition of the site and other property.), **Committee Report 1st House, Substituted**

No fiscal implication to the State is anticipated.

Local Government Impact

Because the bill would not have statewide impact on units of local government of the same type or class, no comment from this office is required by the rules of the Senate as to its probable fiscal implication on units of local government.

Source Agencies:

LBB Staff: JK, CL, DLBa

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 78TH LEGISLATIVE REGULAR SESSION

April 11, 2003

TO: Honorable Kenneth Armbrister, Chair, Senate Committee on Natural Resources

FROM: John Keel, Director, Legislative Budget Board

IN RE: SB1362 by Staples (Relating to the development of a regional water supply reservoir project at the Lake Eastex reservoir site and the acquisition of the site and other property.), **As Introduced**

No fiscal implication to the State is anticipated.

Local Government Impact

Because the bill would not have statewide impact on units of local government of the same type or class, no comment from this office is required by the rules of the Senate as to its probable fiscal implication on units of local government.

Source Agencies:

LBB Staff: JK, CL, DLBa

President of the Senate_____
Speaker of the House

I hereby certify that S.B. No. 1362 passed the Senate on
May 1, 2003, by ~~a viva-voce vote~~ by the following
vote: Yeas 31, Nays 0.

Secretary of the Senate

I hereby certify that S.B. No. 1362 passed the House on
May 28, 2003, by ~~a non-record vote~~ by the following
vote: Yeas 144, Nays 0, ^{two} ~~one~~ present not voting.

Chief Clerk of the House

Approved:

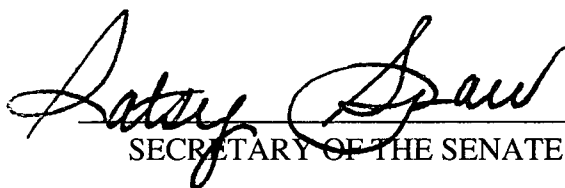
Date_____
Governor

A BILL TO BE ENTITLED

AN ACT:

relating to the development of a regional water supply reservoir project at the Lake Eastex reservoir site and the acquisition of the site and other property.

3-13-03 Filed with the Secretary of the Senate
MAR 19 2003 Read and referred to Committee on NATURAL RESOURCES
 Reported favorably _____
APR 22 2003 Reported adversely, with favorable Committee Substitute; Committee Substitute read first time.
 Ordered not printed
 Laid before the Senate
MAY 01 2003 Senate and Constitutional Rules to permit consideration suspended by: { unanimous consent
 _____ yeas, _____ nays
MAY 01 2003 Read second time, _____, and ordered engrossed by: { unanimous consent
a viva voce vote
 _____ yeas, _____ nays
MAY 01 2003 Senate and Constitutional 3 Day Rule suspended by a vote of 31 yeas, 0 nays.
MAY 01 2003 Read third time, _____, and passed by: { ~~A viva voce vote~~
31 yeas, 0 nays


 SECRETARY OF THE SENATE

OTHER ACTION:

May 1, 2003 Engrossed
May 1, 2003 Sent to House

Engrossing Clerk



MAY 01 2003

Received from the Senate

MAY 02 2003Read first time and referred to Committee on Natural ResourcesMAY 21 2003Reported _____ favorably (~~as amended~~) (~~as substituted~~)MAY 24 2003Sent to Committee on (~~Calendars~~) (Local & Consent Calendars)MAY 28 2003Read second time (~~comm. subst.~~) (~~amended~~), passed to third reading (~~failed~~) by a (non-record vote) (~~record vote of _____ yeas, _____ nays, _____ present, not voting~~)

Constitutional rule requiring bills to be read on three several days suspended (failed to suspend) by a vote of _____ yeas, _____ nays, _____ present, not voting.

MAY 28 2003Read third time (~~amended~~); finally passed (~~failed to pass~~) by a (~~non-record vote~~) (record vote of 144 yeas, 0 nays, 2 present, not voting)MAY 28 2003

Returned to Senate.


 CHIEF CLERK OF THE HOUSE

MAY 28 2003

Returned from House without amendment.

Returned from House with _____ amendments.

Concurred in House amendments by a viva voce vote _____ yeas, _____ nays.

_____ Refused to concur in House amendments and requested the appointment of a Conference Committee to adjust the differences.

_____ Senate conferees instructed.

_____ Senate conferees appointed: _____, Chairman; _____
_____, _____, and _____

_____ House granted Senate request. House conferees appointed: _____, Chairman;
_____, _____, _____.

_____ Conference Committee Report read and filed with the Secretary of the Senate.

_____ Conference Committee Report adopted on the part of the House by: _____

{ a viva voce vote
_____ yeas, _____ nays

_____ Conference Committee Report adopted on the part of the Senate by:

{ a viva voce vote
_____ yeas, _____ nays

OTHER ACTION:

_____ Recommitted to Conference Committee

_____ Conferees discharged.

_____ Conference Committee Report failed of adoption by: _____

{ a viva voce vote
_____ yeas, _____ nays

03 MAY 23 PM 8:13
HOUSE OF REPRESENTATIVES